



Office of
the Schools
Adjudicator

Local Authority Report

to

The Schools Adjudicator

from

Lewisham Local Authority

to be provided by

30 June 2019

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**Please email your completed report to: osa.team@schoolsadjudicator.gov.uk
by 30 June 2019 and earlier if possible**

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Introduction and guidance on completing the report

1. Section 88P of the School Standards and Framework Act 1998 (the Act) requires every local authority to make an annual report to the adjudicator. The Chief Adjudicator then includes a summary of these reports in her annual report to the Secretary for State for Education. The School Admissions Code (the Code) sets out the requirements for reports by local authorities in paragraph 6. Paragraph 3.23 specifies what must be included as a minimum in the report to the adjudicator and makes provision for the local authority to include any other matters. The report **must** be returned to the Office of the Schools Adjudicator by **30 June 2019**.
2. Please note that the specified date for returning this form by 30 June is a Code requirement; this is why some data are asked for by financial year.
3. We have made some changes to the information and categories of information sought this year:
 - a. we have removed references to “all through” schools and instead would be grateful if local authorities would follow the approach used in statutory provisions and in the Department for Education Statistical First Release¹ and the Education Middle School (England) Regulations 2002², and
 - b. we have decided not to use the term “own admission authority schools” to mean those schools for which the local authority is not the admission authority (that is foundation, voluntary aided and academy schools). This is because a large number of arrangements are now determined by multi-academy trusts. We will therefore refer to ‘schools for which the local authority is not the admission authority’.
4. Local authorities will notice that we have not included this year a number of questions which have been asked in past years. This is because we judge that we are unlikely to receive much information that adds to the existing body of knowledge and do not wish to take up local authorities’ time unnecessarily. We have not asked:
 - a. for details of the particular provisions of admission arrangements determined by other admission authorities challenged by local authorities;
 - b. local authorities’ views of how well the interests of children with special educational needs or disabilities are met at the normal points of admission;
 - c. about the advantages and disadvantages of co-ordinating in year admissions;
 - d. about the reliance on paragraph 3.12 of the Code by other admission authorities in the local authority’s area;
 - e. for information about admission authorities’ approaches to deciding whether or not they had places available in year; or

¹ [Department for Education Statistical First Release](#)

² [The Education Middle School \(England\) Regulations 2002](#)

- f. for the number of children refused admission to a school under the fair access protocol.

Local authorities are, of course, free to comment on any of these matters if they wish to do so under section 6. The views expressed by local authorities in previous years also remain a matter of public record.

5. We are asking new questions this year about:

- a. the proportion of schools with other admission authorities in the local authority area for which the local authority ranks preferences for the schools concerned on the admission authorities' behalf;
- b. use of oversubscription criteria which give priority to children adopted having previously been in care abroad; and
- c. how well served are children who are looked after by another local authority but being educated in the area of the local authority submitting the report.

6. We continue to ask about the use of the premiums in admission arrangements but have provided further guidance on this in footnote 11. In particular, we ask local authorities to include in their responses schools using part of any of the premiums (such as free school meals eligibility). Please consider this footnote before answering the questions on this matter.

Information requested

Section 1 - Normal point of admission

A. Determined arrangements

- i. Please give the date your local authority determined arrangements for admission in 2020 to its voluntary controlled and community schools.

13/02/2019

- a. This local authority has no community or voluntary controlled primary schools (please tick box if this applies) ☐
- b. This local authority has no community or voluntary controlled secondary schools (please tick box if this applies) ☐

- ii. Please specify the date the determined arrangements for voluntary controlled and community schools were published on the local authority's website.

06/03/2019 – delay due to the publication of a new website

- iii. Please provide a link to where the admission arrangements can be viewed on the local authority's website on publication.

<https://lewisham.gov.uk/myservices/education/schools/school-admission/school-admissions-policies>

- iv. What proportion of arrangements for schools for which the local authority is not the admission authority was provided to the local authority by 15 March 2019?

☐ None ☒ Minority ☐ Majority ☐ All

	Primary	Secondary
v. How many sets of admission arrangements of schools for which the local authority is not the admission authority were queried directly by your local authority because they were considered not to comply with the Code?	None	None
vi. Please provide any comments on the determination of admission arrangements not covered above. Annual advice about the consultation and determination responsibilities are disseminated to schools and governing bodies at the start of each academic year, however, few admission authorities comply with the statutory timetable and submit their determined arrangements by 15 March. Lewisham undertakes a checking exercise of admission authority school websites during the spring/summer term and writes to individual Chairs of Governors if their school's admissions arrangements have not been published as required. Chairs of Governors are also reminded of the date they last consulted and when they are next required to consult in order to comply with the 7 year consultation period.		

B. Co-ordination

- i. Provision of rankings:

- a. What proportion of schools for which the local authority is not the admission authority provided their rankings correctly undertaken by the agreed date?

☐ None ☐ Minority ☐ Majority ☒ All

- b. For what proportion of schools with other admission authorities in the local authority's area did the local authority rank preferences expressed for those schools in 2019?

☒ None ☐ Minority ☐ Majority ☐ All

- ii. Please provide any comments you wish to make in respect of provision of rankings:

With the frequent change in personnel at school level, both in community and own admission authority schools, it is necessary for local authority officers to regularly provide training and guidance on all aspects relating to admissions including regular and timely reminders of critical and statutory deadlines. Newly appointed staff rarely have prior knowledge or experience of the complexities of school admissions processes and legal requirements.

- iii. Does the local authority charge schools for providing rank preferences?

☐ Yes ☒ No

- iv. Does the local authority rank preferences for other admission authorities in OTHER local authority areas and, if so, for how many schools?

No

v. How well did co-ordination of the main admissions round work?	Not well	A large number of small problems or a major problem	Well with few small problems	Very well
Reception				√
Year 7				√
Other relevant years of entry				√

- vi. Please give examples to illustrate your answer:

The Pan London admissions system has proven that, with cooperation and collaborative working amongst local authority Admissions Teams, families across the Capital receive their outcome within a very short timeframe on National Offer Day. Cross borough place planning enables more children to be offered a preference school or a 'reasonable' alternative.

It should be noted that the continued success of the pan London scheme is dependent on robust local and technical systems which, over time, will require dedicated, considerable investment for maintenance and development both locally as well as centrally.

C. Looked after and previously looked after children

- i. How well does the admissions system in your local authority area serve the interests of looked after children at **normal points of admission**?

☐ Not at all ☐ Not well ☐ Well ☒ Very well ☐ Not applicable³

- ii. How well do the admissions systems in other local authority areas serve the interests of children looked after by your local authority at **normal points of admission**?

☐ Not at all ☐ Not well ☒ Well ☐ Very well ☐ Not applicable³

- iii. How well does your admissions system serve the interests of children who are looked after by other local authorities but educated in your area **at normal points of admission**?

☐ Not at all ☐ Not well ☐ Well ☒ Very well ☐ Not applicable³

- iv. How well does the admissions system in your local authority area serve the interests of previously looked after children at **normal points of admission**?

☐ Not at all ☐ Not well ☐ Well ☒ Very well ☐ Not applicable³

- v. Priority in admission arrangements for 2020 for adopted children previously in care abroad.

- a. Do the arrangements for any **community or voluntary controlled primary** schools include this priority for 2020? ☐ Yes ☒ No

If yes please provide the number of community or voluntary controlled primary schools that include this priority.

- b. Do the arrangements for any **community or voluntary controlled secondary** schools include this priority for 2020? ☐ Yes ☒ No

If yes please provide the number of community or voluntary controlled secondary schools that include this priority.

- c. Do the arrangements for any primary schools for which the local authority is **not the admission authority** include this priority for 2020?
☐ Yes ☒ No

³ 'Not applicable' will only be appropriate if there are no children falling within this definition.

If yes please provide the number of primary schools for which the local authority is **not the admission authority** that include this priority.

- d. Do the arrangements for any secondary schools for which the local authority is **not the admission authority** include this priority for 2020?
☐ Yes ☒ No

If yes please provide the number of secondary schools for which the local authority is **not the admission authority** that include this priority.

e. Please comment on the use of a priority in admission arrangements for a child adopted who was previously in care abroad if you wish.

Statutory guidance is required to provide greater clarity relating to which groups of children should be given priority under such a criterion before admissions criteria are amended.

The current DfE guidance relates to children 'adopted from **outside of England**' and not those 'from abroad'. The terminology here demonstrates there is currently a lack of clarity about which children should qualify and, in its current form, is unhelpful to admission authorities and puts them at risk of challenge. Clearer guidance about what evidence should be provided to establish an adoption especially for those children who may not have been in formal 'state care' prior to their adoption is also required.

- vi. Please give any examples of good or poor practice or difficulties which exemplify your answers about the admission to schools of looked after and previously looked after children at the **normal points of admission**:

Often a child's application is made by the current carer rather than the allocated social worker who themselves may not fully understand the admission process or how admission criteria is applied especially in relation to those faith schools who may not prioritise all looked after children first. As a result the application may not be reasonable or appropriate for the child.

Documentary evidence to support the application for looked after and previously looked after children is not always provided with the application making it difficult for the admissions authority to properly consider the application. Collaboration between the admissions team and the Virtual School is essential to ensure that applications are realistic and complete.

D. Special educational needs and disabilities

- i. Please provide any comments you wish to make on the admission of children with special educational needs and/or disabilities at the normal points of admission:

Good communications and timely collaboration between the SEN Team and Admissions Team is essential to ensure that all children placed in mainstream school with an EHCP are accounted for before places are allocated to other children via the coordinated scheme. Failure to do so may result in the school being over number and therefore poses a risk to the provision of efficient education to the whole cohort.

The majority of mainstream schools within this LA provide for those children or their family who may have an exceptional medical or social need to be prioritised for a place. This allows for children with additional needs or disabilities to be admitted to an appropriate school that can meet a specific need, for example mobility. Unfortunately many applicants only provide an assessment report which rarely demonstrates why a particular school is the only one that can provide for the child's SEN or disability. Some professionals will write a supporting letter based on the parent's reason for their preference without any knowledge of the provision available at the specified school. As a result few children are admitted to a preference school under this criterion.

Section 2 - In year admissions⁴

A. The number of in year admissions

- i. Do you know the number of in year admissions to primary schools in your local authority area? ☒ Yes ☐ No
- ii. If 'no' is this for one or more of the following reasons (tick boxes as appropriate) because:
- ☐ schools with other admission authorities are not complying with the requirement in paragraph 2.22 of the Code to notify the local authority of applications for places and the outcome;
 - ☐ the local authority does not use the information provided by schools with other admission authorities to collect the numbers of in year admissions; and/or

⁴ By in year we mean admission at the start of any school year which is not a normal point of entry for the school concerned (for example at the beginning of Year 2 for a five to eleven primary school) and admission during the course of any school year after the end of the statutory waiting list period in normal years of admission.

☐ other? (please specify)

iii. Do you know the number of in year admissions to secondary schools in your area? ☒ Yes ☐ No

iv. If 'no' is this for one or more of the following reasons (tick boxes as appropriate) because:

- ☐ schools with other admission authorities are not complying with paragraph 2.22 of the Code;
- ☐ the local authority does not use the information provided by schools with other admission authorities to collate the numbers of in year admissions; and/or

☐ other? (please specify)

v. If the local authority does know the number of in year admissions to state funded schools in its area, please complete the following table.

	Primary aged children	Secondary aged children
Number of in year admissions between 1/9/17 and 31/8/18	1583	364
Number of in year admissions between 1/9/18 and 31/3/19	1147	321

B Co-ordination of in year admissions

i. To what proportion of community and voluntary controlled schools did the local authority delegate responsibility for in year admissions in the academic year 2018/19?

- a) Primary: ☐ Not applicable⁵ ☒ None ☐ Minority ☐ Majority ☐ All
- b) Secondary: ☐ Not applicable⁵ ☒ None ☐ Minority ☐ Majority ☐ All

ii. For what proportion of schools for which the local authority is not the admission authority does the local authority co-ordinate in year admissions?

⁵ 'Not applicable' will only be appropriate if the local authority has no community or voluntary controlled primary/secondary schools.

- a) Primary: ☐ None ☐ Minority ☐ Majority ☒ All
b) Secondary: ☐ None ☐ Minority ☐ Majority ☒ All

iii. Please provide any comments on the co-ordination of in year admissions if you wish.

It is essential that the School Admissions Code is amended and the central coordination of in year admissions is reintroduced. This is to safeguard children and ensures equal access. Where robust systems are in place to manage in year applications, and there are appropriate dedicated resources for this function, the local authority is able to track and monitor individual applications and refer cases to other agencies; CME, CSC, YOS, EHE etc where it appears that a child is not on roll of appropriate provision. As the local authority has access to other intelligence about individual children there is a safety net in place so that 'hard to place' children can be swiftly referred for admission to appropriate provision under the Fair Access Protocol. This especially prevents vulnerable children from falling through the cracks as well as ensuring that schools do not admit a disproportionate number of children with challenging behaviour.

Whilst it is accepted that own admission authority schools are responsible for admissions to their school, governors and admissions staff of these schools may not always understand their responsibilities to;

- comply with parental preference where there is a vacancy,
- inform the LA of any new admission, the leaving date and destination of their children nor
- give reasons to the applicant when an application is denied and
- inform of the statutory right of appeal.

A centrally coordinated in year admission scheme ensures that all applicants are treated fairly and any refusal to admit a qualifying applicant can be challenged swiftly.

C Looked after children and previously looked after children

i. How well does the in year admissions system serve children who are looked after by your local authority and who are being educated in your area?

☐ Not at all ☐ Not well ☐ Well ☒ Very well ☐ Not applicable⁶

ii. How well do the in year admission systems in other local authority areas serve the interests of your looked after children?

☐ Not at all ☐ Not well ☒ Well ☐ Very well ☐ Not applicable⁶

⁶ 'Not applicable' will only be appropriate if there are no children falling within this definition.

- iii. How well does your admissions system serve the interests of children who are looked after by other local authorities but educated in your area?

☐ Not at all ☐ Not well ☒ Well ☐ Very well ☐ Not applicable⁶

- iv. How well does your in year admissions system serve the interests of previously looked after children?

☐ Not at all ☐ Not well ☒ Well ☐ Very well ☐ Not applicable⁶

v. Please give examples of any good or poor practice or difficulties which support or exemplify your answers about looked after and previously looked after children:

Social workers or foster carers do not always consider the pastoral needs for the child concerned and the provision at the named school. There have been instances where the applicant acting on behalf of a child who is a devoted member of one faith has applied for a place at a different faith school. The school was selected purely on its Ofsted rating.

D Children with special educational needs and/or disabilities

- i. How well served are children with special educational needs and/or disabilities who have an education health and care plan that names a school when they need to be admitted in year?

☐ Not at all ☐ Not well ☐ Well ☒ Very well ☐ Not applicable⁷

- ii. How well served are children with special educational needs and/or disabilities who do not have an education health and care plan when they need to be admitted in year?

☐ Not at all ☐ Not well ☒ Well ☐ Very well ☐ Don't know

iii. Please give examples of good or poor practice or difficulties which support or exemplify your answers:

E Other children⁸

⁷ 'Not applicable' will only be appropriate if there are no children falling within this definition.

⁸ Other children are those not looked after, previously looked after or with special educational needs and/or disabilities.

- i. How well served are other children when they need a new school place in year?

☐ Not at all ☐ Not well ☒ Well ☐ Very well ☐ Don't know

- ii. Please provide any comments you wish to make in respect of other children:

Difficulties arise when there are Fair Access indicators linked to a child's admission and where a mainstream provision may not be suitable. These indicators may not be apparent at the point of application and intense casework is often needed to resolve such applications.

F Fair access protocol

- i. Has your fair access protocol been agreed⁹ with the majority of state-funded mainstream schools in your area?

☒ Yes for primary
☒ Yes for secondary

- ii. If you have not been able to tick both boxes above, please explain why:

- iii. How many children were admitted to schools in your area under the fair access protocol between 1 April 2018 and 31 March 2019?

Type of school	Number of children admitted	
	Primary aged children	Secondary aged children
Community and voluntary controlled	9	10
Foundation, voluntary aided and academies	8	29
Total	17	39

- iv. How well do you consider hard to place children are served by the fair access protocol in your area?

☐ Not at all ☐ Not well ☐ Well ☒ Very well ☐ Not applicable¹⁰

⁹ An existing protocol remains binding on all schools up until the point at which a new one is adopted.

¹⁰ 'Not applicable' would mean that there were no hard to place children for which the protocol was required.

Please make any relevant comment on the protocol not covered above.

Schools are now invested in ensuring the effective working of the fair access protocol and will participate in Panel meetings and admitting a fair share of such children.

Section 3 - Directions

A. How many directions did the local authority make between 1 April 2018 and 31 March 2019 for children in the local authority area?

	Primary aged children (not looked after)	Primary aged looked after children	Secondary aged children (not looked after)	Secondary aged looked after children
Voluntary aided or foundation	0	0	0	0

B. Please add any comments on the authority's experiences of making directions in these circumstances.

C. How many directions did the local authority make between 1 April 2018 and 31 March 2019 for a maintained school in another local authority area to admit a looked after child?

For primary aged children	For secondary aged children
0	0

D. Please add any comments on the authority's experiences of making directions in these circumstances.

E.	Primary aged children (not looked after)	Primary aged looked after children	Secondary aged children (not looked after)	Secondary aged looked after children
How many requests to the ESFA to direct an academy to admit a	0	0	0	0

child did the local authority make between 1 April 2018 and 31 March 2019?				
How many children were admitted to an academy school as a result of the request for a direction by the local authority to the ESFA between 1 April 2018 and 31 March 2019?	0	0	0	0
How many requests were outstanding as at 31 March 2019?	0	0	0	0
F. Please add any comments on the authority's experiences of requesting directions in these circumstances.				

<p>G. Any other comments on the admission of children in year not previously raised.</p> <p>Clarity about whether a PAN applies in year is required as different DfE Officers will give opposing advice. The Code states in paragraph 1.4 that: 'Admission authorities may also admit over their PAN in year'. This indicates that once set at the normal point of entry the admission number for that year group follows the group throughout the phase (primary or secondary). Furthermore how can it be determined whether there are vacancies in a year group if there is no PAN or defined number of places available?</p> <p>Admission authorities may arbitrarily apply a capped number of places to ensure they are not required to comply with parental preference should an application be made or 'choose' which in year applicants they wish to offer a place to.</p>
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Section 4 - Pupil, service and early years pupil premiums (the premiums)¹¹

¹¹ Please include in these figures all schools whose arrangements give priority on the basis of eligibility for one or more of the premiums or part thereof except where the only sub-group is looked after and previously looked after children as all schools must give first priority to these children.

A. How many community or voluntary controlled schools in the local authority area will use each premium as an oversubscription criterion (including the tiebreaker) for admissions in 2020?	Primary	Secondary ¹² <u>excluding</u> grammar	Grammar ¹²
Early years pupil premium	0	N/A	N/A
Pupil premium	0	0	0
Service premium	0	0	0
Total number of schools using at least one premium in their oversubscription criteria	0	0	0

B. How many schools for which the local authority is NOT the admission authority in your area will use each premium as an oversubscription criterion (including the tiebreaker) for 2020?	Primary	Secondary ¹² <u>excluding</u> grammar	Grammar ¹²
Early years pupil premium	0	N/A	N/A
Pupil premium	0	0	0
Service premium	0	0	0
Total number of schools using at least one premium in their oversubscription criteria	0	0	0

Admission authorities can limit priority to specific sub-groups of those who attract a premium. Examples are:

- children of parents who are currently serving in the UK regular armed forces (rather than all children who attract the service premium); or
- children who are eligible for free school meals at the time of application (rather than all children who attract the pupil premium).

If such sub-groups have priority at any point within the oversubscription criteria, they should be included in the totals for this table even if there is no specific use of the terms, 'pupil premium,' 'early years premium' or 'service premium' in the arrangements. Paragraphs 1.39A and 1.39B of the Code provide the relevant exceptions to paragraph 1.9f (which prohibits giving a priority to a child according to the occupational or financial status of parents applying).

¹² Do not include use in post 16 arrangements

Section 5 - Electively home educated children

A. How many children were recorded as being electively home educated in the local authority area on 29 March 2019?

316

B. Any comments to make relating to admissions and children electively home educated that you have not previously raised?

The new Elective Home Educated (EHE) Guidance April 2019 is welcome and makes the position of the local authority much clearer with regards to monitoring the education provision of EHE children. It advises EHE Officers to monitor the provision annually and, if a parent does not provide evidence of provision, the LA should take the necessary steps and a School Attendance Order should be initiated.

The new guidance also makes the LA's duty towards safeguarding of EHE children clear by regular monitoring and working alongside other professionals and services (SEN and CSC).

Section 6 - Other matters

Are there any other matters that the local authority would like to raise that have not been covered by the questions above?

Section 7 - Feedback

We would be grateful if you could provide any feedback on completing this report to inform our practice for 2020.

Thank you for completing this template.

Please return to Lisa Short at OSA.Team@schoolsadjudicator.gov.uk by 30 June 2019